

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TIMOTHY A. KILLIANY,

Plaintiff,

v.

Civil Action 2:10-cv-00672

Judge James L. Graham

Magistrate Judge E.A. Preston Deavers

**COMMISSIONER SOCIAL SECURITY
ADMINISTRATION,**

Defendant.

ORDER

This matter is before the Court for consideration of the August 3, 2011 Report and Recommendation of the Magistrate Judge. (ECF No. 25.) The Magistrate Judge recommended remand to the Commissioner of Social Security for further consideration consistent with the Report and Recommendation.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days results in a “waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report & Recommendation 19–20, ECF No. 25.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the

Court **REMANDS** this case to the Commissioner for further consideration consistent with the Report and Recommendation.

IT IS SO ORDERED.

S/ James L. Graham
James L. Graham
United States District Judge

Date: September 6, 2011